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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,996	11/14/2001	Erwin Bauer	GR99P8059	5736

7590

02/05/2003

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,996

Applicant(s)

BAUER ET AL.

Examiner

Guillermo Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballmann et al. (U. S. Pat. 5,887,553) in view of Voros, Jr (U. S. Pat. 3,670,188).

Ballmann et al. disclose an electromagnetic actuator, comprising:
at least one electromagnet (1) having a coil and a first contact surface;
a second contact surface;
at least one resetting device (3);
an armature (6) having a shank (5) mechanically coupled to the resetting device (3), the armature (6) being movable between the first contact surface on the electromagnet (1) and the second contact surface. Ballmann et al. disclose an electromagnetic actuator assembly, comprising:

- at least one electromagnet (1) having a coil and a first contact surface;
- a second contact surface;
- at least one resetting device (3);

an armature (6) having a shank (5) mechanically coupled to the resetting device (3), the armature (6) being movable between the first contact surface on the electromagnet (1) and the second contact surface;

a support (between 3 and 2) mounting the electromagnet (1) and the armature (6).

However, Ballmann et al. do not disclose a connector receptacle. Ballmann et al. do not disclose a connector having at least one contact element electro-conductively connected to the coil of the electromagnet and causing, at least during an assembly of the actuator onto a support, the contact element to be electrically contacted by an assembly contacting element, upon the connector engaging the connector receptacle. Ballmann et al. do not disclose that the support having a contacting element. Ballmann et al. do not disclose a connector having at least one contact element electro-conductively connected to the coil of the electromagnet and in electrical contact with the contacting element. Ballmann et al. do not disclose that the connector has an opening formed therein, and the contact element has a region configured as a service contact which is led through the opening in the connector and the service contact, at least during the assembly of the actuator onto the support, can be electrically contacted by the assembly contacting element. Ballmann et al. do not disclose that the connector has a housing with the opening formed therein, the service contact is led in an oil-proof manner through the opening in the housing of the connector.

Voros, Jr discloses a connector receptacle (27,28,38,39). Voros, Jr discloses a connector (24) having at least one contact element (29) electro-conductively connected

to the coil (8) of the electromagnet. Voros, Jr discloses that the support (2) having a contacting element (29). Voros, Jr discloses a connector (24,27,28,38,39) having at least one contact element (29) electro-conductively connected to the coil (8) of the electromagnet and in electrical contact with the contacting element (29).

Voros, Jr discloses that the connector (24) has an opening (*where the screw is located*) formed therein, and the contact element (29) has a region configured as a service contact (23) that is led through the opening (*where the screw is located*) in the connector (24) and the service contact (23) can be electrically contacted by the assembly-contacting element (i.e. a screwdriver not shown). Voros, Jr discloses that the connector (24) has a housing (2) with the opening formed therein, the service contact (23) is led in an oil-proof manner through the opening (*where the screw is located*) in the housing (2) of the connector (24). The invention of Voros, Jr has the purpose of facilitating the ease of replacement of the contact points.

It would have been obvious at the time the invention was made to modify the actuator of Ballmann et al. and provide it with the connection configuration for the purpose of facilitating the ease of replacement of the contact points.

Referring to claims 1-3 and 5, no patentable weight has been given to the method of manufacturing limitations (i. e. "at least during an assembly of the actuator onto a support"; "causing the contact element to be electrically contacted by an assembly contacting element, upon the connector engaging the connector receptacle" emphasis added) since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The

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patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the Notice of References Cited for other art showing the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
Wednesday, January 29, 2003



GUILLERMO PEREZ
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